



2164-#4
BT
07-10-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kellam et al. **RECEIVED**

Application No.: 10/043,357

JUL 08 2002

Group Art Unit: 2164

Filed: January 9, 2002

GROUP 3600

Examiner: Unassigned

For: METHOD OF BIDDING TO DRIVE
COMPETITION IN AN AUCTION

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

RECEIVED

JUL 08 2002

Technology Center 2100

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature

Date of Deposit June 27, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
3,581,072	5/25/71	Nymeyer
3,863,060	1/28/75	Rode, et al.
4,597,045	6/24/86	Kiuchi
4,674,044	6/16/87	Kalmus, et al.
4,789,928	12/6/88	Fujisaki
4,799,156	1/17/89	Shavit, et al.
4,845,625	7/4/89	Stannard
4,992,940	2/12/91	Dworkin
5,136,501	8/4/92	Silverman, et al.
5,193,056	3/9/93	Boes
5,243,515	9/7/93	Lee
5,297,032	3/22/94	Trojan, et al.
5,375,055	12/20/94	Togher, et al.
5,394,324	2/28/95	Clearwater
5,402,336	3/28/95	Spiegelhoff, et al.
5,606,602	2/25/97	Johnson, et al.
5,629,982	5/13/97	Micali
5,640,569	6/17/97	Miller, et al.
5,664,115	9/2/97	Fraser

5,684,963	11/4/97	Clement
5,689,652	11/18/97	Lupien, et al.
5,715,402	2/3/98	Popolo
5,727,165	3/10/98	Ordish, et al.
5,758,327	5/26/98	Gardner, et al.
5,758,328	5/26/98	Giovannoli
5,765,138	6/9/98	Aycock, et al.
5,774,873	6/30/98	Berent, et al.
5,794,207	8/11/98	Walker, et al.
5,794,219	8/11/98	Brown
5,797,127	8/18/98	Walker, et al.
5,799,151	8/25/98	Hoffer
5,799,285	8/25/98	Klingman
5,802,502	9/1/98	Gell, et al.
5,803,500	9/8/98	Mossberg
5,809,483	9/15/98	Broka, et al.
5,826,244	10/20/98	Huberman
5,832,496	11/03/98	Anand, et al.
5,835,896	11/10/98	Fisher, et al.
5,862,223	1/19/99	Walker, et al.
5,890,138	3/30/99	Godin, et al.
5,897,621	4/27/99	Boesch, et al.
5,905,974	5/18/99	Fraser, et al.
5,905,975	5/18/99	Ausubel

5,915,209	6/22/99	Lawrence
5,966,699	10/12/99	Zandi
6,014,627	1/11/00	Togher, et al.
6,021,398	2/1/00	Ausubel
6,023,685	2/8/00	Brett, et al.
6,044,363	3/28/00	Mori, et al.
6,055,518	4/25/00	Franklin, et al.
6,058,379	5/2/00	Odom, et al.
6,061,663	5/9/00	Bloom, et al.
6,078,906	6/20/00	Huberman
6,119,229	9/12/00	Martinez, et al.
6,151,589	11/21/00	Aggarwal, et al.
6,161,099	12/12/00	Harrington, et al.
6,199,050	3/6/01	Alaia, et al.
6,266,652	07/24/01	Godin, et al.
6,366,891	4/2/2002	Feinberg

Foreign Patents

<u>Publication No.</u>	<u>Publication Date</u>	<u>Country</u>
0399850A	11/28/90	EP
WO 92/15174	9/3/92	WIPO
WO 97/37315	10/9/97	WIPO
WO 98/34187	8/6/98	WIPO
WO 99/63461	12/9/99	WIPO

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Other Publications

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995

Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989

"FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998

Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1, January 29, 1986

Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80, January 1998

Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June 1989

"Moai Technologies Introduces New categories of Business to Business Auction Software...", Business Editors and Computer Writers, March 16, 1998

Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

"Online bidding software", Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997

Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996

"Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995

"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998

Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999

Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994

"What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994

Wilder, "What's Your Bid? – FreeMarkets' real-time online bidding technology lets clients drive downcosts and improve product value", InformationWeek, November 10, 1997

Woolley, "E-muscle", Forbes, March 9, 1998

Applicant respectfully requests that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

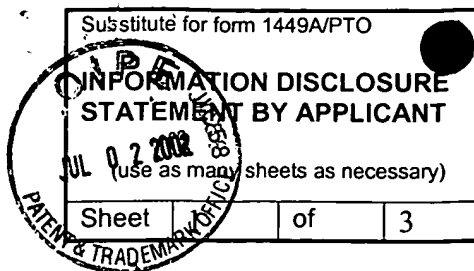
In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 27, 2002
Date

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Substitute for form 1449A/PTO		Complete if Known	
Application Number		10/043,3	
Filing Date		January 9, 2002	
First Named Inventor		Kellam et al.	
Group Art Unit		2164	
Examiner Name		Unassigned	
Attorney Docket Number		046700-5056	

Sheet of 3 (use as many sheets as necessary)

U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number	Kind Code (if known)		
	3,581,072		Nymeyer	5/25/71
	3,863,060		Rode, et al.	1/28/75
	4,597,045		Kiuchi	6/24/86
	4,674,044		Kalmus, et al.	6/16/87
	4,789,928		Fujisaki	12/6/88
	4,799,156		Shavit, et al.	1/17/89
	4,845,625		Stannard	7/4/89
	4,992,940		Dworkin	2/12/91
	5,136,501		Silverman, et al.	8/4/92
	5,193,056		Boes	3/9/93
	5,243,515		Lee	9/7/93
	5,297,032		Trojan, et al.	3/22/94
	5,375,055		Togher, et al.	12/20/94
	5,394,324		Clearwater	2/28/95
	5,402,336		Spiegelhoff, et al.	3/28/95
	5,606,602		Johnson, et al.	2/25/97
	5,629,982		Micali	5/13/97
	5,640,569		Miller, et al.	6/17/97
	5,664,115		Fraser	9/2/97
	5,684,963		Clement	11/4/97
	5,689,652		Lupien, et al.	11/18/97
	5,715,402		Popolo	2/3/98
	5,727,165		Ordish, et al.	3/10/98
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	5,758,328		Giovannoli	5/26/98
	5,765,138		Aycock, et al.	6/9/98
	5,774,873		Berent, et al.	6/30/98
	5,794,207		Walker, et al.	8/11/98
	5,794,219		Brown	8/11/98
	5,797,127		Walker, et al.	8/18/98
	5,799,151		Hoffer	8/25/98
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	5,802,502		Gell, et al.	9/1/98
	5,803,500		Mossberg	9/8/98
	5,809,483		Broka, et al.	9/15/98
	5,826,244		Huberman	10/20/98
	5,832,496		Anand, et al.	11/03/98
	5,835,896		Fisher, et al.	11/10/98
	5,862,223		Walker, et al.	1/19/99

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Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO		Complete Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/043,357
		Filing Date	January 9, 2002
		First Named Inventor	Kellam et al.
		Group Art Unit	2164
		Examiner Name	Unassigned
Sheet 2 of 3	Attorney Docket Number	046700-5056	

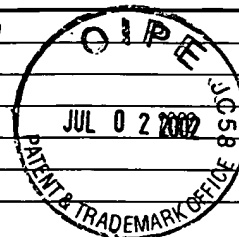
5,890,138	Godin, et al.	3/30/99
5,897,621	Boesch, et al.	4/27/99
5,905,974	Fraser, et al.	5/18/99
5,905,975	Ausubel	5/18/99
5,915,209	Lawrence	6/22/99
5,966,699	Zandi	10/12/99
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6,021,398	Ausubel	2/1/00
6,023,685	Brett, et al.	2/8/00
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6,058,379	Odom, et al.	5/2/00
6,061,663	Bloom, et al.	5/9/00
6,078,906	Huberman	6/20/00
6,119,229	Martinez, et al.	9/12/00
6,151,589	Aggarwal, et al.	11/21/00
6,161,099	Harrington, et al.	12/12/00
6,199,050	Alaia, et al.	3/6/01
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FOREIGN PATENT DOCUMENTS						
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ₁
	Country Code	Number	Kind Code (if known)			
	EP	0399850A			11/28/90	
	WIPO	WO 92/15174			9/3/92	
	WIPO	WO 97/37315			10/9/97	
	WIPO	WO 98/34187			8/6/98	
	WIPO	WO 99/63461			12/9/99	
	JP	409101994A			4/97	
	JP	410078992A			3/98	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ₁
	Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998	
	Associated Press, "Auction on Web is Buyer's Market", April 6, 1998	
	"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995	

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO		Complete Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/043,357
		Filing Date	January 9, 2002
		First Named Inventor	Kellam et al.
		Group Art Unit	2164
		Examiner Name	Unassigned
		Attorney Docket Number	046700-5056
Sheet	3	of	3



	Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989	
	"FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998	
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	Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80, January 1998	
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	"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998	
	Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999	
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